IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2183 of 1999
WITH
SPECIAL CIVIL APPLICATION No 2185 of 1999
WITH
SPECIAL CIVIL APPLICATION No 2190 of 1999
WITH
SPECIAL CIVIL APPLICATION No 2192 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GOPALBHAI MANILAL KACHHIYA

Versus

A K RAKESH, I A S

Appearance:
MR BM MANGUKIYA for Petitioners
MR LR POOJARI, AGP. for Respondent.

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 05/04/2000

COMMON JUDGEMENT

Rule.

Mr.L.R.Poojari, learned Assistant Government Pleader waives service of Rul.By the consent of the learned Advocates appearing for the rspective parties the matters are finally disposed of.

Learned Assistant Government Pleader Mr.L.R.Poojari states that the impugned order dated 1.3.1999 was passed by the Collector, Godhra in pursuance of the direction given by the learned Single Judge in Special Civil Application Nos.8569/99, 7840/99,7844/99 and 7846/99. In the said petitions, the orders dated 30.6.1997 and 24.6.1998 passed by the Collector were challenged and the learned Single Judge, while dismissing the said petitions, had directed the Collector to consider the petitioners'application for permission under section 43 of the Tenancy Act after taking into consideration the letter dated 17.4.1996 of the Deputy Twon Planner, Vadodara fixing the market value of the land at Rs.290/per sq.mtr.

The petitioner had filed Letters Patent Appeal against the said order and the Division Bench allowed the appeals by order dated 12.1.2000. The order passed by the learned Single Judge and the order passed by the Collector dated June 30,1997 and June 24,1998 were quashed and set aside. The matters were remanded to the Collector to pass appropriate orders in accordance with law after affording opportunity to the appellant. In view of the said order passed by the Division Bench, the impugned order dated 1.3.1999 passed by the Collector pursuant to the directions given by the learned Single Judge are liable to be and are accordingly set aside. The Collector will have to pass fresh orders as per directions given in the order dated 12.1.2000 in Letters Patent Appeal No.1186 of 1998 and other cognate appeals. Rule made absolute accordingly. No order as to costs.

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m.m.bhatt